Case 1:05-cv-02189-CM Document 5 Filed 03/30/2005 Page 1 of 1 DISTRICT COURT OF THE UNITED STATES Trans #: 20051305 File #: SOUTHERN DISTRICT OF NEW YORK Index #: 05 CV 2189 L.I.S.T., INC.,; ET AL File: Court Date: Petitioner (s) Mort #: Plaintiff (s) Defendant (s) VEECO INSTRUMENTS, INC.; ET AL Respondent (s) STATE OF NEW YORK: COUNTY OF \_\_SHEFOLK \_\_\_\_\_ : SS: DONALD J. KLUNE , BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK. 10:58 am March 18 \_, <u>2005</u> at \_ at 100 SUNNYSIDE BLVD., STE. B, WOODBURY, NY 11797 SUMMONS AND COMPLAINT, CIVIL COVER SHEET, RULE 7.0 STATEMENT: ET AL deponent served the within JOHN F. REIN, JR. defendant therein named. INDIVIDUAL By personally delivering to and leaving with said ı and that he knew the person so served mentioned and described in said Defendant was identified by self admission and by the photograph furnished. CORPORATION By delivering to and leaving with 2 , and that he knew the person so served to be the of the corporation, authorized to accept service. Service was made in the following manner after your deponent was unable with due diligence to serve the defendant in person: By delivering a true copy thereof to and leaving with \_MARGARET\_AKERLEY, CO-WORKER\_\_\_ SUITABLE , a person of suitable AGE PERSON 100 SUNNYSIDE BLVD., STE. B, WOODBURY, NY 11797 3 🖵 the defendants - respondents (dwelfing place X Y WHAN place of business) within the state of New York. AFFIXING TO By affixing a true copy thereof to the door of the said premises, the same being the defendant's (dwelling place) (usual place of abode) DOOR, ETC. ( place of business ) within the State of New York. 4 🔲 ABOVE STATED DOCUMENTS MAILING Deponent completed service under the last two sections by having a true copy of the Use with 3 or 4 deposited in a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Post Office in the State of New York, on 5 🗵 March 18 2005 TO THE ABOVE ADDRESS PREVIOUS ATTEMPTS of, by return address or otherwise, that it was from an Attorney or concerned an action against those served. Use with 4 6 L

First Class Mail in an envelope bearing the legend "PERSONAL & CONFIDENTIAL" and not indicate on the outside the Deponent had previously attempted to serve the above named defendant/respondent.

A DESCRIPTION OF THE DEFENDANT OR OTHER PERSON SERVED ON BEHALF OF THE DEFENDANT IS AS FOLLOWS:

Approximate weight 140 Approximate height 5' 7" Sex FEMALE Approximate age Color of skin WHITE Color of Hair RI OND Other

Deponent spoke with person served who confirmed non-military status of the defendant. Deponent asked the person spoken to whether the defendant was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he was not. Your deponent further says that he knew the person so served to be the person mentioned and described in said logal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

Sworn to before me this

VINCENT J. GILLIS Notary Public State of New York No. 01GI4984594 Qualified in Suffolk County Commission Expires July 29,200)

DONALD J. KLUNE